

AVON TOWN COUNCIL MEETING

July 22, 2010

7:00pm

Avon Town Council Chamber
6570 E US Hwy 36, Avon, Indiana

Call to Order was given by Council President Greg Zusan.

Invocation was given by Council member Charlie Dorton

Roll Call was taken by Clerk-Treasurer, Sharon Howell. Council members present were Charlie Dorton, Nikki Gordy, Beverley Austin, Greg Zusan and Michael Rogers. Tom Klein, Town Manager and Dan Taylor, Town Attorney was also present.

Consent Agenda

Council member Dorton made a motion to approve the consent agenda including:

6-24-10 Executive Session Meeting Minutes

7-22-10 Check Register

Council Member Gordy seconded the motion. Roll call vote was taken.

C. Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-for, M. Rogers-for
5-for, 0-against, 0-absent. Motion carried 5-0.

Public Comment

There was no one coming forward from the public to comment.

Council Comment

There were no council comments.

New Business

Interim Report – Utility Assessments

Cecil Whitaker, Jeff Hewitt, and Jeff Banning presented.

Wastewater and Water Utilities - A summary of recommendations was distributed to council.

The recommendations included meeting with West Central Conservancy District and Hendricks County Regional Waste District to discuss the eight identified goals and their importance to the Town and meeting with IWC to discuss IWC assets within the Town.

Stormwater Utility

The recommendations included meeting with the County Surveyor to develop access to the location and condition of regulated drains within the corporate boundary and to develop a strategy to assume authority and responsibility for all the regulated drains within the Town. Council member Austin made a motion to move ahead with the recommendations made by Banning Engineering. Motion was seconded by Council member Gordy. Roll call vote was taken.

C. Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-for, M. Rogers-for
5-for, 0-against. Motion carried.

Report on the Sale of Indianapolis Water to Citizen's Gas

The City of Indianapolis has signed a Memorandum of Understanding to sell water and wastewater assets to Citizen's Gas. The Service Advisory Board is considering a letter of support regarding the sale. Upon approval of the City/County Council, the Indiana Regulatory Commission (IURC) will review the proposal. Citizen's Gas will acquire the assets for an acquisition price of 262.2 million. Citizen's Gas also assumes the debt of the City, pending debt for the wastewater system, future debt that may occur by the City between the signing of the

MOU and closing of the Acquisition. Citizen's Gas will also make payments in lieu of taxes (PILOT) to the City for the wastewater assets until 2039. Citizen's Gas assumes all contracts and leases related to the water and wastewater systems. The proposed acquisition is also conditioned upon the resolution of the current water rate case pending at the IURC, assignment of the management agreement with Veolia with terms acceptable to the City and Citizen's Gas, confirmation that water system property will be subject to Indiana Tax Law and will not be subject to payment in lieu of taxes, approval by IURC to include any debt service assumed or incurred in to order to complete the purchase of assets in future water rates and approved by IURC of Citizen's Gas' projected revenue requirements from water rates at the time of closing. Staff to research PILOT revenue for the Town of Avon.

Approving Contract for Drainage Study and Inventory

In 2003, the Town did a drainage study of problem areas in Avon. Beechwood Center and Cobblestone Springs were two of the areas that were studied. The Town received significant amount of rain and some localized flooding in Beechwood Center on Beechwood Road. Access to businesses was restricted for 24-48 hours. The Redevelopment Commission requested the Town do some additional study of this area since they were making an investment in bringing Ivy Tech to Beechwood Center. Staff met with GRW who completed the initial study and developed a scope to do a further study of the Beechwood Center/Cobblestone/Waterford Lakes watershed. The timing of the study coordinates well with the Town's need to update the inventory of new development that has occurred since 2008. One of the Town's MS4 requirements is keeping an updated inventory of the storm system. Discussion was held concerning the use of local engineering firms for services provided to the Town especially when there are many people out of work. Council member Dorton made a motion to encourage Ryan to take the time to get quotes on this project to make sure the numbers are good before we move on. Hendricks County firms to be contacted.

Council member Rogers seconded the motion. Roll call vote was taken.

C. Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-against, M. Rogers-for
4-for, 1-against. Motion carried 4-1.

Awarding Bid for 2010 Paving Project

Staff is seeking approval to proceed with the 2010 HMA & Milling project. The project includes full depth patching, overlays, mill and fill operations, and installation of recommended traffic calming alternatives. Engineer's estimate for the project was \$320,943.08. Ten companies were contacted to bid on the project. Four companies submitted bids. Shelly & Sands was the lowest bidder at \$303,180.80. Council member Austin made a motion to award the HMA & Milling project to Shelley & Sands in the amount of \$303,180.80. Motion was seconded by Council member Rogers. Roll call vote was taken.

C. Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-for, M. Rogers-for
5-for, 0-against. Motion carried.

Awarding Quote for North Playground Expansion

Erin Mulryan presented. In 2009 the PRBC indicated that expansions to the existing north playground should be designed for 5-12 year olds because the existing set is designed for 2 to 5 year olds. Staff proposed that the Town construct an age 5-12 set separate from the existing playground and install a walkway connecting the two play areas. Recommendation was for the Town to install the option #1 playground set designed by Kinetic Recreation for \$27,463. This option offers new play experiences and several climbing "events". Kinetic Recreation is out of

Indianapolis and installs the equipment. Motion was made by Council member Dorton to table this until we get a recommendation from the parks board.

Motion died due to lack of a second.

Council member Rogers made a motion to approve staff recommendation subject to approval by the parks board at their next meeting. Roll call vote:

C. Dorton, N. Gordy-for, B. Austin-for, G. Zusan-for, M. Rogers-for
5-for, 0-against. Motion carried.

Authorization to Purchase Police Vehicles

Chief Miller requested authorization to purchase four patrol vehicles at an estimated cost of \$21,000 per vehicle. One vehicle would be paid by the developer of the Settlement as part of the rezoning commitments. The vehicles would replace 2005 and 2006 Crown Vic and Trailblazers. The new vehicles would be Dodge Chargers. Council member Dorton made a motion to approve the purchase of the four patrol vehicles with one of the vehicles being purchased by the Settlement with an estimated price of \$21,000 per vehicle or \$84,000. Motion seconded by Council member Gordy. Roll call vote:

C. Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-for, M. Rogers-for
5-for, 0-against. Motion carried.

Honorary Name for County Road 75 North – River Birch Way

Motion was by Council member Austin to approve honorary name for County Road 75 North to be River Birch Way. Council member Rogers seconded the motion. Roll call vote was taken.

C. Dorton-for, N. Gordy-for, B. Austin-for, G. Zusan-for, M. Rogers-for
5-for, 0-against. Motion carried.

Legal Counsel Report

Dan Taylor updated the Council on legal issues.

Public Comment

There was no one from the public coming forward for comment.

Adjournment